

**The Department of Community Planning & Development**  
City Hall, Lynchburg, VA 24504 434-455-3900

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**To:** Planning Commission

**From:** Planning Division

**Date:** May 12, 2004

**Re:** **REZONING: R-3, Medium Density, Two-Family Residential, to R-2, Low-Medium Density, Single-Family Residential, for the Garland Hill Historic District**

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**I. PETITIONER**

City of Lynchburg Planning Commission

**Representative:** Tom Martin, City Planner, Community Planning & Development Department, City Hall, 900 Church Street, Lynchburg, VA 24504

**II. LOCATION**

The subject property is a tract of approximately 35.2 acres located in the Garland Hill Historic District, not including the commercially zoned properties, as shown on Attachment 1, Vicinity Zoning Map.

**Property Owners:** a list of property owners and parcel ID numbers is included as Attachment 1.

**III. PURPOSE**

The purpose of this petition is to allow a rezoning from R-3, Two-Family Residential, to R-2, Single-Family Residential.

**IV. SUMMARY**

- Petition agrees with the *Comprehensive Plan* which recommends Traditional Residential uses for this neighborhood, includes the neighborhood in the Fifth Street Neighborhood Conservation Area, and recognizes Garland Hill as a local, state, and federal Historic District.
- Petition agrees with the Zoning Ordinance in that an R-2, Single-Family Residential District, better represents the evolving character of the neighborhood.

**The Planning Division recommends approval of the rezoning petition.**

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**V. FINDINGS OF FACT**

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* addresses the Garland Hill neighborhood in three different ways. First, the Plan recommends Traditional Residential uses for the Garland Hill area, as shown on the Future Land Use Map. Second, the Plan includes Garland Hill in the Fifth Street Neighborhood Conservation Area, as shown on the Plan Framework Map. Third, the Plan recognizes that Garland Hill is designated as a local, state, and federal Historic District.

The Traditional Residential designation is applied to the City's older neighborhoods, those "generally built before World War II and before the City was zoned. Because they predate the City's zoning ordinance, the lot sizes, setbacks, and/or building heights do not conform to the standards of the City's residential zoning districts." (page 5.6) Areas designated Traditional Residential areas will eventually be subject to different zoning regulations than the more modern, suburban-style development in other parts of the City.

The Garland Hill area is also included in the Fifth Street Neighborhood Conservation Area, as shown on the Plan Framework Map (at the end of Chapter 4). Neighborhood Conservation Areas are "planned for further study for appropriate zoning changes, public investment, and community building efforts." (page 5.6)

The Comprehensive Plan further states about Neighborhood Conservation Areas, "these mature neighborhoods face challenges of reinvestment and rehabilitation. Some of the homes are very large wood structures over 3,000 square feet in size. The cost of rehabilitating and maintaining these large homes may deter some potential home buyers and investors. Other houses are very small, less than 1,000 square feet, and not as attractive to families as larger suburban homes. Conversion of some homes in Neighborhood Conservation Areas to rental units has resulted in their gradual deterioration. Citizens in public meetings have expressed concerns about the negative effects of poorly maintained, deteriorating, vacant, and abandoned homes within their neighborhoods.... Maintaining the existing housing stock and encouraging public and private investment that supports neighborhood character is critical to neighborhood stabilization." (page 4.17)

The Comprehensive Plan also recognizes that the Garland Hill area has been designated a local, state, and federal historic district.

All three of these designations in the Comprehensive Plan—Traditional Residential, Neighborhood Conservation Area, and Historic District—support the rezoning of the Garland Hill area from R-3, Two-Family Residential, to R-2, Single-Family Residential in order to support continued investment in and rehabilitation of single-family homes, to preserve the character of the neighborhood, and to maintain the property value of the homes.

2. **Zoning.** The Garland Hill area has been a part of the City of Lynchburg since it was annexed, the area closest to Fifth Street in 1852 and the rest of the neighborhood in 1870. Since 1930, the zoning has changed several times:

1930: the area was zoned "Residence 'V,'" except for the parcels fronting on Fifth Street that were zoned "Business 'B.'"

1949: the area was zoned "Two-Family," except for heavy business and light industrial along Fifth Street.

1960: the area north of midblock between Federal and Jackson streets was zoned R-4, Multi-family Residence, while the area south of that midblock point was zoned R-3, Two-family Residence. The area along Fifth Street was zoned B-5, General Business, with some manufacturing property along Lucado Street.

1978: the existing R-3, Two-Family Residential zoning was established with the adoption of the current *Zoning Ordinance*. The area along Fifth Street and between Federal Street and Jackson west to Second Street is B-5, General Business.

The trend since 1960 has been to downzone the residential portion of the neighborhood from multi-family to two-family and now, with this proposed rezoning, to single-family. The portion of the neighborhood that is zoned commercial has expanded slightly in recent decades.

The area became a local historic district in 1976.

3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed rezoning.

4. **Surrounding Area.** There have been 17 items requiring City Council approval in the immediate area:

10/14/2003: City Council approved a conditional use permit for a parking lot at 612/616 Madison Street for St. Paul's Episcopal Church.

5/13/2003: City Council approved the rezoning of 717 Madison Street from R-2 to R-4 to allow Central City Homes to construct 3 apartment units.

7/9/2002: City Council approved a conditional use permit for a child care facility at 620 Madison Street for St. Paul's Episcopal Church

4/10/2001: City Council approved a conditional use permit for construction of single-family residences at 406,410, 412-414 Wise Street by Habitat for Humanity

12/14/1999: City Council approved a conditional use permit for construction of a modular fellowship hall and additional parking at 84 Monroe Street for the New Jerusalem United Holiness Church

4/14/1998: City Council approved a conditional rezoning to from R-3 to R-4 (Conditional) at 701-709 Hollins Street to allow construction of an apartment complex for the elderly at Tinbridge Manor

6/13/1995: City Council approved a conditional use permit for construction of a 3-story multi-purpose addition at 710 Clay Street for Hold Cross Catholic Church

6/14/1994: City Council approved a rezoning from R-2 to B-1 (Conditional) at 707 Clay Street to allow construction of an addition to an existing office along with additional parking.

4/12/1994: City Council approved a conditional use permit to increase the number of guest rooms in owner-occupied B&B at 215 Harrison Street.

9/22/1993: City Council approved a conditional permit to expand the children's playground area at 109 Jackson Street (Yoder Recreational Center)

5/12/1992: City Council approved an allowance of offstreet parking for 105 cars at Lucado Place and Clay Street.

8/13/1991: City Council approved a rezoning from R-3 to B-5 (Conditional) at 400-404-406 Clay Street to allow the use of the property for a business

6/11/1991: City Council approved a conditional use permit for operation of a B&B and parking at 215 Harrison Street

5/8/1990: City Council approved a conditional use permit for operation of a B&B at 405 Madison Street.

2/10/1987: City Council approved a conditional use permit for construction of a building addition and parking lot at 710-720 Clay Street for Holy Cross Catholic Church

1/11/1983: City Council approved a conditional use permit for a recreation center/club at 615 Federal Street

10/9/1979: City Council approved a conditional use permit for a restaurant and dance hall at 513 Church Street

5. **Site Description.** The subject property is the residential portion of the Garland Hill Historic District. The subject property is bounded to the north and west by Resource Conservation areas, including a segment of the Blackwater Creek Trail. To the south, it is bounded by Resource Conservation and by the City Cemetery. To the east, it is bounded by the commercial uses on Fifth Street (see Attachment 1. Vicinity Zoning Map).
6. **Proposed Use of Property.** The purpose of the proposed rezoning is to allow continued use of residences as single-family homes. Any property owner wishing to add a second dwelling unit in an existing residence would be able to do so provided the presence of the second unit was not obvious from the exterior of the residence.
7. **Traffic and Parking.** The City Traffic Engineer has no comments of concern regarding the subject petition. The proposed use is not expected to generate a significant amount of traffic.
8. **Storm Water Management.** A stormwater management plan will not be required, because no areas are expected to be disturbed as a result of this rezoning.
9. **Impacts.** The intent of this rezoning is to create an environment that supports the pattern of owner-occupied, single-family residences that has evolved over the past several years in the Garland Hill Historic District. As indicated in the City's Comprehensive Plan, the City supports improvements to the housing stock in this neighborhood because Garland Hill is a historic district and is part of a larger Neighborhood Conservation Area. The City's goal is to see property values rise for the benefit of the property owners and the City's tax base. The Garland Hill neighborhood is moving in the direction the City prefers, but the current R-3, Two-Family Residential district no longer reflects the type of housing provided in the neighborhood. Therefore, as outlined in the Comprehensive Plan, it is time to reconsider the zoning district applied to the neighborhood.

Under Virginia law, in order to justify a downzoning, there must have been a substantial change in circumstances since the previous zoning. City staff believes that there has been a substantial change in circumstances that justifies this proposed rezoning from R-3, Two-

Family Residential, to R-2, Single-Family Residential, since the previous zoning was approved in 1978.

Historically, as outlined above under “Zoning,” the number of dwelling units allowed per parcel in the Garland Hill neighborhood has gradually decreased. For example, in 1960, the area was zoned multi-family; then, when the current Zoning Ordinance was adopted in 1978, the zoning was changed to two-family.

Over the last 15 years, the neighborhood (a locally designated historic district since 1976), has experienced a significant amount of restoration and renovation. Several homes that had been converted previously into two-family or multifamily dwellings were purchased by new owners and converted back to single-family homes. According to a survey conducted by the Garland Hill Neighborhood Association in September 2003, 88 percent of the residences are now used as single-family homes. The following statistics about Garland Hill were compiled during the survey:

| <b>Garland Hill Residences</b>                                  | <b>Number of properties</b> | <b>Percentage of total properties</b> |
|---|-----------------------------|---------------------------------------|
| Residential Properties (total in district)                      | 76                          |                                       |
| Single-family Residences  | 68                          | 88%                                   |
| Owner-Occupied  | 55                          | 72%                                   |
| Nonresident Owned (rented or vacant)                            | 14                          | 18%                                   |
| Multi-family or Commercial                                      | 7                           | 9%                                    |
| Property Owners who signed petition in support of this rezoning | 49                          | 64%                                   |

Residents of the neighborhood have approached the City twice in the past three years to request that the City rezone the area from R-3 to R-2 to support the gradual conversion of residential property to single-family use. Initially, City staff was concerned about rezoning to an R-2 district because approximately two-thirds of the properties would have lot sizes smaller than the 10,000 square foot minimum required in an R-2 district. However, the City’s Zoning Ordinance contains a provision in Section 35.1-27 “Nonconforming uses” that addresses the problem:

(g) Nonconformity, other than use. A building that is conforming in use, but which does not conform to the height, yard, land coverage, parking or loading requirements of this ordinance, shall not be considered to be nonconforming within the meaning of Section 35.1-27.

At two neighborhood meetings conducted by the Garland Hill Neighborhood Association and a third meeting conducted by the Planning Division, no opposition to the rezoning was demonstrated. A petition circulated by the neighborhood association also indicated significant support for and no opposition to the rezoning.

Second units. A number of the homes currently have second units. In some cases, the second units are constructed so that, from the street, the home resembles a single-family home. Where the units have a second, separate entrance in the front of the residence or otherwise resemble a two-family home, no changes will be required due to the proposed rezoning. However, once the area is rezoned to an R-2, Single-Family district, any second units constructed thereafter may not be apparent from the exterior; the residence must continue to look like a single-family home. Owners will be required to occupy one of the units in any single- to two-family conversion after the rezoning.

Fiscal Impacts. During preparation of the City's Comprehensive Plan, several analysis maps were compiled using statistics from the Geographic Information System (GIS) database. The map showing property values (assessed values) revealed that values were higher in the City's historic districts than in the areas immediately surrounding each district. In the case of Garland Hill, the renovation and restoration done prior to preparation of the map was reflected in the increased assessed values when compared to the surrounding areas. This proposed rezoning is expected to encourage continued maintenance and renovation of single-family homes, including careful addition of second units in some of those homes. Preserving the single-family, owner-occupied character of the neighborhood will provide an incentive for owners to maintain and improve their property.

Neighborhood Impacts. The increased values and improved appearance of the Garland Hill neighborhood are expected to spill over into surrounding areas.

Based on the changing circumstances in the neighborhood and the fact that rezoning from R-3 to R-2 will not create a pattern of nonconforming uses, City staff supports the rezoning.

10. **Technical Review Committee.** The Technical Review Committee (TRC) did not review this proposed rezoning petition. No site plan is necessary.

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## **VI. PLANNING DIVISION RECOMMENDATION**

**Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of the City of Lynchburg Planning Commission for a rezoning from R-3, Two-Family Residential, to R-2, Single-Family Residential, of the Garland Hill Historic District to allow the continued use of the residential properties as single-family homes.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP  
City Planner

pc: Mr. L. Kimball Payne, III, City Manager  
Mr. Walter C. Erwin, City Attorney  
Ms. Rachel O. Flynn, Director of Community Planning & Development  
Mr. Bruce A. McNabb, Director of Public Works  
Mr. R. Douglas Dejarnette, Fire Marshal  
Mr. Tom Martin, City Planner  
Ms. Judith C. Wiegand, AICP, Senior Planner  
Mr. J. Lee Newland, Director of Engineering  
Mr. Gerry L. Harter, Traffic Engineer  
Mr. Robert Drane, Building Commissioner  
Mr. Arthur L. Tolley, Zoning Official  
Mr. Robert S. Fowler, Zoning Official  
Mr. Kent White, Environmental Planner

## **VII. ATTACHMENTS**

- 1. Vicinity Zoning Pattern with List of Property Owners**  
(see attached map)
- 2. Vicinity Proposed Land Use**  
(see attached map)